

**REMARKS**

The Office Action mailed December 8, 2005 has been reviewed and carefully considered. Claims 2-16 and 18-20 remain pending, the independent claims remaining 2, 5-7, 11 and 19. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. 112, second paragraph, for lack of antecedent basis in the claims.

The Office Action suggests that claim 7 recites the phrase "said process to identify," and that this phrase lacks antecedent basis in the claims.

However, this phrase finds antecedent basis in claim 7, by virtue of the phrase "process to identify" earlier in the claim.

For at least this reason, the instant ground of rejection lacks validity and cannot be sustained.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 2 stands rejected under 35 U.S.C. 102(a) as anticipated by International Publication No. WO01/11548 to Wake Forest University ("WFU").

Claim 2 recites, "... identifying diagnostic findings commonly repeated in reports of a specific type . . . wherein said identifying comprises analyzing a plurality of reports generated at a particular site."

WFU does not disclose this feature.

The Office Action cites to lines 6-12 at page 20 of WFU.

This passage relates tracking of findings, temporally and across image modalities (page 19, lines 17-19), for a particular individual. Thus, for example, although

WFU tracks a particular finding and, in doing so, identifies a finding that is repeated at different times, it is unclear in what sense WFU could fairly be characterized as ". . . identifying diagnostic findings commonly repeated in reports of a specific type. . ."

The Office Action dated December 8 (hereinafter "current Office Action" or simply "Office Action") now offers lines 19-21 on page 4 of WFU.

This latest citation does not appear to relate to the above-quoted aspect of claim 2.

For at least the above reasons, the present applicants submit that WFU fails to anticipate the present invention as recited in claim 2.

Reconsideration and withdrawal of the rejection is respectfully requested.

Nor do the present applicants see how claim 2 could be construed as obvious in view of WFU.

Claims 7 and 9 stand rejected under 35 U.S.C. 103(a) as unpatentable over WFU.

Claim 7 recites, ". . . identifying diagnostic findings commonly repeated in reports of a specific type. . ."

WFU fails to disclose or suggest this aspect of claim 7.

The Office Action relies on the same passages discussed above with regard to claim 2.

In addition, it is noted that claim 7 recites:

using the language encoded database in a physician-directed iterative process to identify diagnostic findings responsive to a plurality of observed images; and providing access to a multi-lingual reporting physician to an editor, wherein the physician generates, in a desired reporting language, customized diagnostic findings that are subsequently subject to said process to identify

WFU discloses a radiologist annotating image coordinates with anatomical: pathological codes, and translation of a radiologist's report to the end-user into a different language by means of look-up tables, but fails to disclose or suggest the above-quoted aspect of claim 7.

The Office Action acknowledges that WFU fails to disclose ". . . providing access to a multi-lingual reporting physician to an editor," but the Office Action suggests, without providing a reason, that it would have been obvious to provide said access.

For at least the above reasons, WFU fails to render claim 7 obvious.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 9 depends from claim 7, and is likewise deemed to distinguish patentably over WFU.

In addition, claim 9 recites, ". . . previously approved . . .," and there is apparently no support in WFU for concluding that this feature of claim 9 would have been obvious.

The Office Action apparently assumes the existence of redundant findings and that they are "previously approved," but does not states any reason for its conclusion.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3-6, 8, 10-16 and 18-20 stand rejected under 35 U.S.C. 103(a) as unpatentable over WFU in view of U.S. Patent No. 5,802,495 to Goltra.

Claim 5 recites:

using the language encoded database in a physician-directed iterative process to identify diagnostic findings responsive to a plurality of observed images, wherein using comprises verifying that a diagnostic

finding is encoded with a language identifier indicative of a match with an operator desired reporting language before adding the diagnostic finding to a report

The previous Office Action acknowledges that WFU lacks disclosure or suggestion of the above-quoted aspect of claim 5 (see previous Office Action, item 8, third paragraph, first sentence), but attempts to rely on Goltra for this feature.

In particular, the next paragraph in item 8 refers to the expression "tells the system . . ." at the bottom of column 5 in Goltra for this feature.

However, it appears that when the Goltra healthcare professional selects Spanish, the report generating will select stored phrases and sentences whose accompanying stored codes indicate that the language in which the particular phrase or sentence is stored is Spanish.

It is unclear how verification can be said to enter into this process.

For at least this reason, it is likewise unclear how Goltra could fairly be said to feature, ". . . verifying that a diagnostic finding is encoded with a language identifier indicative of a match with an operator desired reporting language before adding the diagnostic finding to a report."

The current Office Action, in attempting to show verification, now refers to WFU, page 30, lines 1-4. The current Office Action suggests that verification is "inherent" in the cited passage from WFU.

The instant applicants traverse this suggestion by the Office Action.

The WFU clinician "can click on" (page 29, line 24) a screen image to access data. Thus, the WFU clinician is afforded a user interface. Presumably, the "rapid translation of reports to foreign languages employing translation look-up tables" is caused

by user selection of a desired foreign language on the user interface. In that event, the WFU reporting system uses the look-up tables to translate to the selected foreign language.

It is unclear how verification can be said to enter into this process.

For at least this reason, it is likewise unclear how WFU could fairly be said to feature, ". . . verifying that a diagnostic finding is encoded with a language identifier indicative of a match with an operator desired reporting language before adding the diagnostic finding to a report."

Moreover, for at least the above reasons, it is unclear how WFU and Goltra, alone or in combination, could fairly be said to feature, ". . . verifying that a diagnostic finding is encoded with a language identifier indicative of a match with an operator desired reporting language before adding the diagnostic finding to a report."

The other claims rejected under this ground likewise recite "verifying" and are likewise deemed to distinguish patentably over the prior art of record.

For example, claim 11 recites:

means for selectively applying the plurality of diagnostic findings to generate the diagnostic report, subject to verifying that a candidate finding of the plural findings to be applied is encoded with a language identifier indicative of a match with an operator desired reporting language


Support for the amendment of claim 11 is found in claim 5, and is deemed to distinguish patentably over the prior art of record for reasons set forth in the following section relating to the ground of rejection for claim 5.

Claim 19, likewise, recites, "... the software application is configured with logic for verifying that a plurality of diagnostic findings selected for inclusion in a report are reflective of the same reporting language.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,  
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